

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 8-15, 23-30 and 32 have been withdrawn due to a previous election/restriction requirement. Claims 1, 16 and 31 have been canceled without prejudice or disclaimer of the subject matter contained therein. Thus, claims 2-7 and 17-22 remain pending under consideration in the present application, of which claims 2-7 and 17-22 are independent.

With appreciation, it is noted that the Office Action indicates (see present Office Action, page 7, items 11 and 12) claims 3, 4, 6, 7, 18, 19, 21 and 22 as containing allowable subject matter.

Noted - Priority Document Received By USPTO

The indication (see present Office Action Summary, box 12(a)(1) as checked) that the certified copy(ies) of the priority document(s) has been received by the USPTO is noted with appreciation.

Noted - IDS Considered

The indication (see Examiner-initialed PTO form 1449 mailed with present Office Action) that the Information Disclosure Statements (IDSs) as filed on December 17, 2003 and February 12, 2008 and references listed therein have been considered is noted with appreciation.

Noted - Drawings Approved

The indication (see present Office Action Summary, box 10(a) as checked) that the Drawings (submitted on November 15, 2004) have been approved is noted with appreciation.

Election/Restrictions

Restriction to one of the inventions I and II is required under 35 U.S.C. §121. A previous election was made to elect Invention I, claims 1-7, 16-22 and 31, of which claims 1, 16 and 31 have been canceled.

Objection to the Specification

The Specification is objected to because foreign priority applications should be cross-referenced after the title. By the foregoing amendments, the Specification has been amended to address the objection to the specification. Accordingly, withdrawal of the objection to the specification is respectfully requested.

Claim Rejection Under 35 U.S.C. §103

Claims 1, 2, 5, 16, 17, 20 and 31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Xiong et al. (NPL document titled, "Automatic video data structuring through shot partitioning and key-frame computing," Xiong hereinafter) in view of Smith et al. (NPL document titled, "Video skimming for quick browsing based on audio and image characterization," Smith hereinafter).

INDEPENDENT CLAIMS 1, 16 AND 31

The rejection of claims 1, 16 and 31 is moot in view of their cancelation by the foregoing amendments.

INDEPENDENT CLAIM 2

As an example, claim 2 has been rewritten into an independent form to incorporate the subject matter of its base claim 1 (now canceled). Claim 2 recites (among other things) a feature of "an image block validation unit determining whether two image blocks in the same position in two video frames of the given video frames are a valid block pair that has an ability to show a change of image contents." The Office Action on page 6 asserts that such a feature is disclosed in Xiong. However, as will be explained below, at least this feature of claim 2 is a distinction over Xiong, and thus over its combination with Smith.

Xiong states at page 52, right column, lines 1-3: "Determine M base windows in the image to be the inspection areas (we locate base windows along some predefined lines)."

However, Xiong merely describes base windows located along predefined lines without any discussion of a valid block pair that has an ability to show a change of image contents. Hence, the noted feature of claim 2, namely "an image block validation unit determining whether two image blocks in the same position in two video frames of the given video frames are a valid block pair that has an ability to show a change of image contents," is a distinction over Xiong. Furthermore, the Office Action does not rely upon Smith to cure the aforementioned defect in Xiong.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 2 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 2.

INDEPENDENT CLAIMS 5, 17, AND 20

Independent claims 5, 17, and 20 recite (among other things) a feature similar to the above-noted feature in claim 2, and they are similarly rejected in the Office Action. Hence, the Office Action fails to establish a *prima facie* case of obviousness against claims 5, 17, and 20 for at least the same reasons set forth above for claim 2.

In view of the foregoing discussion, the rejection of claims 2, 5, 17, and 20 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

Allowable Claims 3, 4, 18, and 19

Claims 3, 4, 18, and 19 have been rewritten in independent forms as suggested in the Office Action to be allowable. Accordingly, it is respectfully submitted that these claims are allowable over the references of record.

PATENT

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Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-4610.

Respectfully submitted,

Dated: December 10, 2008

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